



**Connecticut Department of Public Health
Testimony Presented Before the Public Health Committee**

March 14, 2014

**Commissioner Jewel Mullen, MD, MPH, MPA
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**Senate Bill 418: An Act Concerning The Department Of Public Health's
Recommendations Concerning Medical Spas**

The Department of Public Health (DPH) supports Senate Bill 418 and would like to thank the committee for raising the Department's bill.

This bill was developed with the input from all involved stakeholders who provided their valuable expertise to the Department. DPH believes that this legislation provides significant protection to the public by explicitly defining cosmetic medical procedures and clarifying these procedures must be performed by, or under the direction of, licensed healthcare practitioners as applicable under their scope of practice.

"Cosmetic medical procedure" is defined to include procedures that are directed at improving a person's appearance, rather than a procedure that promotes the proper functioning of the body or prevents or treats illness or disease. This definition was carefully drafted to include cosmetic medical procedures that should be directly performed by a licensed healthcare practitioner or delegated by such practitioner to a person qualified to perform the procedure.

The bill defines "medical spa" as a place where cosmetic medical procedures are performed. As such, this bill requires each medical spa to contract with a physician, an advanced practice registered nurse (APRN) or a physician's assistant (PA) that is currently licensed in this state. These individuals must have received additional training and have experience in performing cosmetic medical procedures. The physician, APRN or PA is responsible for performing an assessment of each person undergoing a cosmetic medical procedure and is responsible for the care rendered under his or her supervision as required by each profession's current statutes.

In order to provide information to consumers about the practitioners employed by a medical spa, each such medical spa is required to post the names and any specialty areas of any licensed health care practitioner performing medical procedures. This information is to be posted in a conspicuous place at the medical spa and on any internet site maintained by the

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medical spa. This information, or a reference to the internet site where such information may be obtained, is also required to be included in any advertising and contained in any written information provided to a medical spa client.

The Department respectfully requests deleting the word “facility” in lines 3, 18 and 41. The Department is concerned that the use of “medical spa facility” rather than simply “medical spa” could create confusion for the public who may have expectations that such spa is licensed by the Department. The term “facility” has a specific meaning within the definition of “institution” for purposes of the DPH licensure statutes. These medical spas do not provide the kinds of services that fall within this meaning of “facility” requiring licensure. Adding “facility” to medical spa could be read to imply that such spa is licensed or requires a license.

The Department also requests the following changes to lines 18 – 26 to ensure there is no confusion about the need for practitioners to have both a current license and additional training and experience: (b) Each medical spa facility shall employ or contract for the services of: (1) A physician licensed pursuant to chapter 370 of the general statutes; (2) a physician assistant licensed pursuant to chapter 370 of the general statutes; or (3) an advanced practice registered nurse licensed pursuant to chapter 378 of the general statutes. **Each such physician, physician assistant or advanced practice registered nurse shall: [who]** (A) [is] **be** actively practicing in the state, and (B) [has] **have** received education or training from an institution of higher education or professional organization to perform cosmetic medical procedures and has experience performing such procedures.

Finally, the Department requests deleting language in lines 26-35 starting with “each such physician” and replace it with: Any cosmetic medical procedure performed at a medical spa shall be performed by a physician licensed pursuant to chapter 370 of the general statutes, a physician assistant licensed pursuant to chapter 370 of the general statutes, an advanced practice registered nurse licensed pursuant to chapter 378 of the general statutes or a registered nurse licensed pursuant to chapter 378 of the general statutes in accordance with applicable statutory authority. This will avoid any confusion about whether or not a procedure can be delegated to an unlicensed person.

Thank you for your consideration of the Department’s testimony.